

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q72135

Tadashi YONEDA, et al.

Appln. No.: 10/528,773

Group Art Unit: 1651

Confirmation No.: 6335

Examiner: Thane E. Underdahl

Filed: March 23, 2005

For: PRODUCTION METHOD FOR ITURIN A AND ITS HOMOLOGUES

STATEMENT OF AVAILABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, SHOWA DENKO K.K. of 13-9, Shiba Daimon 1-chome, Minato-ku, Tokyo JAPAN 105-8518, declare and state that:

We are the Assignees of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on March 23, 2005, at Reel 016819, Frame 0425.

We agree that upon allowance and issuance of the above identified application into a United States Patent, restriction on availability of the following deposit will be irrevocably removed:

***Bacillus subtilis* SD142**

which is designated in the specification of the above-identified application and was deposited under the terms of the Budapest Treaty on July 10, 2003, as FERM BP-08427 in the International Patent Organism Depository, National Institute of Advanced Industrial Science and Technology (AIST Tsukuba Central 6, 1-1, Higashi 1-chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan).

STATEMENT OF AVAILABILITY
U.S. Appln. No.: 10/528,773

Attorney Docket No.: Q72135

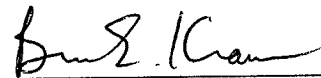
We agree that the above-identified microorganism designated in the above identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit, or for the effective life of any patent which issues on the above identified application, whichever is longer;

We agree that if the deposit becomes non-viable, it will be replaced; and

We also assure access to the deposit to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,



Bruce E. Kramer
Registration No. 33,725

On behalf of:

SHOWA DENKO K.K.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 27, 2009